TR

JUL 14 1986

Aberdeen Tribal Government Services

Original Certifications of the Results of the June 25, 1986, Secretarial Election - Three Affiliated Tribes Constitution and Bylaws

Superintendent, Fort Berthold Agency

Attached for return to the Three Affiliated Tribes' records are the originals of the subject certifications. Please ensure that the Tribes place these documents with the original approval documents for each corresponding amendment. The approvals were mailed to you on July 2, 1986.

By copy of this memorandum the Washington Office is being provided a copy of the above certifications, as well.

(SGD) L. W. COLLIER, JR.

Acting Area Director

Attachments

cc: Deputy to the Assistant Secretary - Indian Affairs (Tribal Services)
Attn: Roland Johnson, Chief, Div. of Tribal Gov't Services
Mail Code 440, Main Interior Building, Mail Stop 2610,
Bureau of Indian Affairs

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "A", Subpart I to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and on June 25, 1986, "Method # 2" was duly adopted by a vote of 497 for, 210 against, 34 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "B" to the Constitution and ByLaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly adopted by a vote of 385 for, 347 against, 9 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "C" to the Constitution and ByLaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly adopted by a vote of 564 for, 163 against, 14 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "D" to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly rejected by a vote of 364 for, 366 against, 11 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "A" to the Constitution and ByLaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly adopted by a vote of 560 for, 173 against, and 8 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

Amendment XII

Sections 3(a) and (b) of Article IV, Nominations and Elections, shall be deleted and replaced by Sections 3(a), (b), (c) and (d) which shall read as follows:

Section 3(a). The general election of the Tribal Business Council shall be held on the Tuesday next after the first Monday in November in every even numbered year. In the event, however, that the general election cannot be held on said date, the election shall be held on a date designated by the Tribal Business Council, which date shall be within a period of thirty (30) days from the day heretofore specified.

In case of a tie vote for any position on the Tribal Business Council in a general election, such that a qualified candidate for such position is not elected, a special runoff election shall be held between the tied candidates. The candidate who receives the higher number of votes in the special runoff election shall be declared elected to such position.

[See Amendment X for third paragraph]

Section 3(b). A primary election shall be held for each vacant position on the Tribal Business Council, which election shall be held on the Tuesday next after the third Monday in September in every even numbered year. In the event, however, that, pursuant to the authority granted in Section 3(a) of this Article, the Tribal Business Council should extend the date of the general election beyond the Tuesday next after the first Monday in November in a particular election year, the date on which the primary election will be held in such year shall be likewise extended for the same period as the general election has been extended.

Section 3(c). The two (2) qualified candidates for each position on the Tribal Business Council, for which an election is being held, who secure the highest number of votes in the primary election shall stand for election in the ensuing general election. In the event, however, that any one qualified candidate for a particular position on the Tribal Business Council should secure a majority of the votes cast for such position in the primary election, such candidate shall be declared elected to such position at the primary stage of the election and a general election shall not be held for such position in that election year.

Section 3(d). Notice of each primary and general election to be held in a respective election year shall be given by the Secretary of the Tribal Business Council to each eligible voter of the Three Affiliated Tribes at least thirty (30) days previous to the date on which the primary election is to be held, which written notice shall set forth the respective locations, dates, and times of both the primary and general elections. In the event, however, that the Secretary of the Tribal Business Council should fail to give the requisite notice in a timely manner as prescribed herein, the Secretary of the Interior, upon receipt of a petition signed by at least ten (10) percent of the eligible voters of the Three Affiliated Tribes, shall call such elections and give at least twenty-five (25) days notice to each such eligible voter, wherein are set forth the respective locations, dates, and times of both the primary and general elections.

[See Amendment X for new Section 3(e)]

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "C" to the Constitution and ByLaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly adopted by a vote of 564 for, 163 against, 14 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

JUN 27 1986
Area Office
GOVERNMENT

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment XII to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Area Director

Date:

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

Amendment XI

Section 2(b) of Article IV, Nominations and Elections, is amended to read as follows:

> Section 2(b). For the purpose of voting in Tribal Business Council elections exclusively, any eligible voter of the Three Affiliated Tribes, whose place of of legal residence is located outside the exterior boundaries of the Fort Berthold Reservation on the date of an election, shall return to the Reservation in order to vote in the election and shall register to vote and cast his ballot at the approrpriate segment polling place on the date of the election.
>
> In the initial election actually voted in subsequent to the effective date of this Amendment, each such nonresident eligible voter shall be entitled to vote at the polling place located in the segment of his choice; provided, however, that such choice of segment shall be binding upon such nonresident voter in subsequent elections, until such time as he has established and maintains legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment ~~"B" to the Constitution and Bylaws of~~ the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly adopted by a vote of 385 for, 347 against, 9 spoiled, ~~in an election in which at least~~ thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

JUN 27 1986
Aberdeen Area Office
TRIBAL GOVERNMENT SERVICES

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment XI to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Area Director

Date:

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

Amendment X

Section 3 (e), Section 3(a) on ballot, shall be added to Article IV, Nominations and Elections, and shall read as follows:

> Section 3(e). For the purpose of the 1986 Tribal Business Council election, the respective terms of office of each of the incumbent members of the Council shall expire upon the installation of those persons duly elected in the 1986 Council election. Each of the seven (7) positions on the Tribal Business Council shall be elected in the 1986 election. The three (3) segment representatives elected to the Council in the 1986 election by the first, second, and third highest proportionate percentage of votes cast in the respective segments and the person elected to the Office of Chairman shall each serve a four (4)-year term of office, each of which shall expire in 1990 upon the election and installation of the successors to such positions, unless any such Council member is unable to serve throughout such term, as provided for in Article V, Section 1. In the event that two (2) segment representatives elected to the Council should secure the same third highest proportionate percentage of votes, such tied Council members shall draw straws in a special lottery conducted by the tribal election board for the purpose of determining which of such members shall serve a four (4)-year term. The remaining three (3) segment representatives elected to the Council shall each serve a two (2)-year term, each of which shall expire in 1988 upon the election and installation of the successors to such positions, unless any such Council member is unable to serve throughout such term, as provided for in Article V, Section 1.

In the 1988 Tribal Business Council election and in the Council elections held every second year thereafter, three (3) segment representatives shall be elected to the Council, each of whom shall serve a four (4)-year term. The term of office of the Chairman of the Council shall expire in 1990, upon the election and installation of the successor to such office, and every four (4) years thereafter. The duly elected Council members shall serve for the respective specified terms of office, each of which term shall commence upon the installation of the elected Council member pursuant to Article I, Section 4 of the Bylaws of the Three Affiliated Tribes and shall expire upon the installation of the successor to such Council position, unless such Council member is unable to serve throughout such term, as provided for in Article V, Section 1.

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A third paragraph shall be added to Section 3(a) of Article IV, Nominations and Elections, and shall read as follows:

In the case of a tie vote in a runoff election for any position on the Tribal Business Council, a second runoff election shall be held between the two (2) tied candidates for such position and the candidate who secures the higher number of votes cast in the second runoff election shall be declared elected to such position. In the case of a tie vote in the second runoff election, the two (2) tied candidates shall draw straws in a special lottery conducted by the tribal election board for the purpose of determining which candidate shall be declared elected to the position.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "A", Subpart I to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and on June 25, 1986, "Method # 2" was duly adopted by a vote of 497 for, 210 against, 34 spoiled, in an election ~~in which at least thirty percent (30%)~~ of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

[redacted]

JUN 27 1986

Aberdeen Area Office
TRIBAL GOVERNMENT
SERVICES

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment X to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Area Director

Date:

Aberdeen Area Office
Aberdeen, South Dakota

JR

JUL 02 1986

Tribal Government Services

Through: Superintendent, Fort Berthold Agency

Ms. Alyce Spotted Bear, Chairperson
Three Affiliated Tribes Business Council
New Town, North Dakota 58763

Dear Ms. Spotted Bear:

We have reviewed the results of the Three Affiliated Tribes' constitution amendment election held on June 25, 1986. Enclosed are certifications of approval for Amendments IX, X, XI, and XII.

In our review of proposed Amendment A (Subpart I), Method #2 which eventually became Amendment X, you will notice an absence of the second to the last paragraph as appeared on the ballot. In the interest of having a document which is internally consistent we, hereby, disapprove that paragraph as it contradicts with the newly-adopted primary election process in Article IV, Section 3(b), Amendment XII. In that same interest please note that the Section 2(a) reference on proposed Amendment A (Amendment IX) was changed to simply Section 2 as there now are no other subsections here. Also, in proposed Amendment A (Subpart I), which became Amendment X, we changed Section 3(a) to Section 3(e) in Article IV because of the obvious duplication in Amendment XII. Finally, note that by our approval of Amendment X we designated the last paragraph in the proposed Amendment A, (Subpart I), to appear as the last paragraph in the newly-established Section 3(a) of Article IV.

With respect to proposed Amendment D this is to formally acknowledge that the voters rejected this proposal by a vote of 364 for, 366 against. The proposed amendment dealt with Article IV, Section 6, by attempting to establish a minimum 1/2 degree Indian blood quantum requirement to run for a Tribal Business Council seat.

If you have any questions regarding the above matter, please contact our Branch of Tribal Government Services at 605/225-0250, Ext. 376.

Sincerely,

(Sgd) Jerry L. Jaeger
Area Director

Enclosures

cc: Deputy to the Assistant Secretary - Indian Affairs
(Tribal Services)
Attn: Roland Johnson, Chief, Div. of Tribal Gov't Services
Mail Code 440, Main Interior Building, Mail stop 2610,
Bureau of Indian Affairs

Superintendent, Fort Berthold Agency

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT IX

Sections 2(a), (b) and (c) of Article III, Governing Body, shall be deleted and replaced by Sections 2, 3 and 4 which shall read as follows:

Section 2. The Tribal Business Council shall consist of seven (7) members. The Chairman of the Tribal Business Council shall be elected at large by a majority of all of the votes cast for the Office of Chairman. The six (6) other Council members shall be elected from segments, one Council member to be elected from each of the following segments by a majority of all of the votes cast for the office of council representative from that respective segment:

White Shield	1 representative
Twin Buttes	1 representative
New Town/ Little Shell	1 representative
Mandaree	1 representative
Four Bears	1 representative
Parshall/ Lucky Mound	1 representataive

Section 3. The boundaries of the segments shall be described as follows:

White Shield - That part of the Reservation starting at a point intersecting the eastern boundary and the McLean-Mountrail County line, thence westerly on that line to its junction with Hwy #37, thence southerly on that line to the thread of Deep Water Bay, thence along that thread to its junction with the thread of the Missouri River, thence southerly and westerly along the thread of the Missouri to the extreme southeasterly corner of the Reservation boundary, thence north approximately two miles, thence due west to the line of the eastern boundary, thence due north to the point of beginning.

Twin Buttes - That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southern most border to a point on that line one mile beyond Beaver Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the point of beginning.

New Town/Little Shell: That part of the Reservation starting at a point at the junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due west along the 48th parallel to the point of beginning.

Mandaree: That part of the Reservation starting at a point at the junction of BIA Hwy #4 and the western boundary of the Reservation, thence due south to the thread of the Little Missouri River, thence eastward and northward along the thread of the Little Missouri River to the thread of the Missouri River, thence northward and westward along the thread of the Missouri River to the northern boundary of this segment, the northern boundary starting at the point of origin eastward along BIA Hwy #4 to the junction connecting the northern boundaries of Sections 32, 33, 34, 35, and 36 of T 151 N eastward to the thread of the Missouri River.

Four Bears: That part of the Reservation lying within the northern and western Reservation boundaries with the thread of the Missouri River as the eastern boundary, the southern boundary being a line running eastward along BIA Hwy #4 to the junction of Hwy #22, thence along the northern boundaries of Sections 32, 33, 34, 35, and 36 of T 151 N eastward to the thread of the Missouri River.

Parshall/Lucky Mound: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Van Hook Arm to the thread of the Missouri River, thence southward on the thread of the Missouri River to the thread of Deep Water Bay, thence easterly on a line to a point approximately one and one half miles due north to Hwy #37 and continuing along Hwy #37 to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its junction with the line of the eastern boundary, thence north on that line to the point at the junction of the 48th parallel, thence westerly on that parallel to the point of beginning.

Section 4. The Tribal Council shall have authority to change the segment boundaries, subject to the approval of the voters of the reservation at any regular or special election.

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Section 2 of Article V, Vacancies and Removal From Office, shall be deleted and replaced by Sections 2 and 3 which shall read as follows:

Section 2. The Tribal Business Council may remove a member for cause by five (5) or more members voting for such removal, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the removal or retention of such member.

Section 3. The Tribal Business Council shall, within one (1) year of the date of approval of this Section, enact an ordinance setting forth what constitutes cause for the removal of a Council member pursuant to Section 2 of this Article.

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Section 3 of Article III, Meeting of Council, in the Bylaws is amended to read as follows:

Section 3. Five (5) members shall constitute a legal quorum of the Tribal Business Council.

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CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by Jerry L. Jaeger, Area Director, Aberdeen, South Dakota, on May 12, 1986, the foregoing Amendment "A" to the Constitution and ByLaws of ~~the Three Affiliated Tribes of the Fort Berthold~~ Reservation was submitted for adoption to the qualified voters of the Three Affiliated Tribes and was on June 25, 1986, duly adopted by a vote of 560 for, 173 against, and 8 spoiled, in an election in which at least thirty percent (30%) of the 1,331 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 ~~Stat. 984) as~~ amended by the Act of June 15, 1936 (49 Stat. 378).

6-26-86
Date

Chairman, Election Board

Election Board Member

Election Board Member

[redacted]

JUN 27 1986

Aberdeen Area Office
TRIBAL GOVERNMENT
SERVICES

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment IX to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Area Director

Date:

Aberdeen Area Office
Aberdeen, South Dakota